

# Office Action Summary

Application No.

10/731,228

Applicant(s)

BRAMNICK ET AL

Examiner

AKIBA K. ROBINSON BOYCE

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 27-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 27-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date 20090629
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of Claims***

1. Due to communications filed 5/4/09, the following is a non-final office action. Claims 2-29 have been cancelled. Claim 1 has been amended. Claims 27-29 have been added. Claims 1 and 27-29 are pending in this application and have been examined on the merits. The finality of the previous rejection filed 2/3/09, and the advisory action filed 5/20/09 has been withdrawn. Claims 1 and 27-29 are rejected as follows.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slivka et al., U.S. Publication No. 2003/0225600.

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As per claims 1, 28, Slivka discloses a method, a system, and computer-readable storage (Slivka: Figure 1; paragraph 0018) for rebooking passengers when seats on a commercial airline flight flown by a commercial airline are overbooked, comprising the steps of:

storing passenger data for each passenger booked on said flight (Slivka: paragraphs 0032-0034);

determining a number of passengers being overbooked and to be denied boarding (Slivka: paragraphs 0014; 0036, "re-accommodation driver 111 may retrieve a Passenger Name Record (PNR) list associated with the disrupted flight..."; The denied passengers may be due to a cancelled flight.);

determining denied boarding candidates for said flight (Slivka: Fig. 2; paragraph 0036, "Following an airline flight disruption (e.g., operational disruption), an airline entity, travel agent, or other travel based entities, may determine to re-accommodate disrupted passengers.");

for each determined denied boarding candidate, obtaining the corresponding passenger data including a frequent flyer status, a remaining flight ticket value, a rebooking cost, a passenger lifetime value, and customer relationship management

data, and flight operations data including flight schedule and seat availability, on the airline and competitor airlines, (Slivka: Table 1; paragraph 0024, "rules engine 113 may associate a data code reflecting a type of travel status of a passenger, such as a frequent flyer status."; paragraphs 0033-0035, Slivka: paragraphs 0035; 0037-0038, Slivka: paragraph 0006, "...value established by airlines, ancillary services, and/or commodities, such as hotel and car reservations."; 0033-0035; 0037-0038, [0049], [0036], claim 13, Slivka: paragraphs 0007; 0015, "minimizes the provider cost of moving passengers to a different airline"; The Examiner notes, re-accommodating a passenger according to passenger revenue and minimizing the provider cost of moving passengers to a different airline suggests performing the step of computing the cost of a denied boarding candidate to travel on a different flight flown by a different commercial airline, Slivka: paragraph 0006, "...value established by airlines, ancillary services, and/or commodities, such as hotel and car reservations."; paragraphs 0033-0035 and [0004]);

processing the passenger data and the flight operations data based on a rule for arranging said determined denied boarding candidates according to a descending revenue impact to the airlines, (Slivka: paragraph 0024, "rules engine 113 may associate a data code reflecting a type of travel status of a passenger; paragraph 0026, "...rules that rank certain types of passengers.", Slivka: paragraph 0046, "the PNR [passenger name record] list obtained in step 220 may be sorted in a particular order (e.g., descending order) *based on PNR value*", and also teaches that each alternative itinerary is analyzed in descending order with the identified PNR until a successful

booking is obtained, where [0005] shows that the system is capable of assessing the impact of an operational schedule disruption on passenger flow and re-accommodating displaced passengers according to the passengers' value to a travel service provider, and therefore, the PNR list may be sorted in a descending order *based on the* passengers' value to a travel service provider, and although [0037] shows the PNR value may be based, in part, from an actual fare amount the disrupted passenger previously paid for the disrupted flight, Slivka also discloses that the rules engine 113 may provide a set of instructions, that when executed by a processor, *determines an equitable fare amount* for each booking class affected by the disrupted flight in order to determine a PNR value for each disrupted passenger, and therefore the descending revenue impact to the airlines is obvious with the descending order *based on the* passengers' value to a travel service provider since the value of the passenger is related to booking class, and airline revenue fluctuates based on the classes that are booked).; and

selecting passengers from the determined denied boarding candidates for boarding based on a result of the processing , (Slivka: paragraphs 0036;0045-0046; The disrupted passengers on the ranked PNR list are re-accommodated.);

It would have been obvious to one of ordinary skill in the art at the time the invention was made to disclose arranging said determined denied boarding candidates according to a descending revenue impact to the airline for the advantage of reassigning

passengers to different seats within their guaranteed category of seating in order to satisfy a subsequent passenger's request.

As per claims 27, 29, Slivka does not specifically disclose:

wherein the passenger data and the flight operations data are processed based on a set of rules further including at least one among a rule for arranging said determined denied boarding candidates according to passenger frequent flyer status and a rule for arranging said determined denied boarding candidates according to a lifetime value of each passenger, boarding candidates according to a lifetime value of each passenger, however, in claim 3 of Slivka, it is shown that determining a passenger value for the disrupted passenger includes: determining the passenger value based on at least one of a class of service, a frequent flier status..., and since Slivka also shows in paragraph 0046, that "the PNR [passenger name record] list obtained in step 220 may be sorted in a particular order (e.g., descending order) *based on PNR value*", it is obvious to sort the PNR in a descending order based on the frequent flier status.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have a rule for arranging said determined denied boarding candidates according to passenger frequent flyer status with the motivation of utilizing rules to arrange passengers according to some type of value.

***Response to Arguments***

4. Applicant's arguments with respect to claims 1 and 27-29 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

•Patent Application Information Retrieval (PAIR) system, Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A. R. B.

July 6, 2009

/Akiba K Robinson-Boyce/

Primary Examiner, Art Unit 3628